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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/927,187	08/10/2001	John Merva	RVSI-020	3838

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EXAMINER

LEE, SEUNG H

ART UNIT PAPER NUMBER

2876

DATE MAILED: 10/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/927,187

Applicant(s)

MERVA ET AL.

Examiner

Seung H Lee

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Receipt is acknowledged of the response filed on 19 June 2003, which has been entered in the file.

Specification

2. Claim 18 is objected to because of the following informalities:

Although, a method claim 18 is depended on an apparatus claim 1, the Examiner will consider that the claim 18 is depending on the claim 13.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 7, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Li et al. (US 5,504,319)(hereinafter referred to as 'Li').

Li teaches that a scanning system for scanning encoded symbology (122, 124, and 126) on the packagers (118 and 119) comprising a conveyor belt (120) and larger system (101) serving as support means, light beams for illuminating the barcodes on the packages, scanners such as 2D CCD (110 and 114) for capturing the image containing a plurality of barcodes on the packages simultaneously serving as imaging

means, a decoder (116) for decoding the encoded barcodes (see Figs. 1-11; col. 1, lines 10-25; col. 2, line 45- col. 3, line 60).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 8, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li and view of Oizumi et al. (US 5,770,848)(hereinafter referred to as 'Oizumi').

The teachings of Li have been discussed above.

Although, Li teaches the scanning system for capturing images containing a plurality of barcode and decoding the information, he fails to particularly teach or fairly suggest that the scanning system comprises a transparent window.

However, Oizumi teaches an automatic code recognizing apparatus having a reading unit (204) and transparent plate (215) wherein the reading unit comprises CCD camera for reading means (see Fig. 16; col. 14, line 62- col. 18, line 28).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Oizumi to the teachings of Li in order to provide an improved and an enhanced system means for reading the data attached to the bottom surface of the packages. Moreover, such modification would

reduce the reading error by re-reading the data affixed on the packages, and therefore an obvious expedient.

7. Claims 3-5, 9-11, and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li as modified by Oizumi, and further in view of Gusmano (US 5,532,845, of record).

The teachings of Li/Oizumi have been discussed above.

Although, Li/Oizumi teach a scanner having the CCD array, they fail to teach or fairly suggest that the plurality of CCD decoding each portion of the barcode and assemble decoded data.

Gusmano teaches a digital scanner having two CCD array (11 and 21) wherein each CCD is scanning a half of document to produce electronic images, and then stitching both images from its respective CCD into a single image using a stitching circuit (120), and the system can have a multiple number of CCD (e.g., four CCD) (see Fig. 3-4; col. 3, line 55- col. 6, line 11).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Gusmano to the teachings of Li/Oizumi in order to provide an improved and an enhanced scanning means wherein scanner including multiple CCD can scan larger area/portion of the document, that is, utilizing each CCD to capture a portion of image, decoding captured portion of image using associated circuits such as an imaging process circuit, and then combining a plurality of images into a single larger image, and therefore an obvious expedient.

8. Claims 6, 12, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li as modified by Oizumi, Gusmano, and further in view of Cohen et al. (US 6,331,437, of record)(hereinafter referred to as 'Cohen').

The teachings of Li/Oizumi/Gusmano have been discussed above.

Although, Li/Oizumi/Gusmano teaches a scanner having a multiple CCD to read/scan barcode on the articles, they fail to teach or fairly suggest that the subjects to be encoded are test tube in which disposed in a predetermined array in a rack.

However, Cohen teaches test tubes are disposed in predetermined array of a rack (60) wherein each and every test tubes having a barcode label (71) thereon (see Fig. 2B; col. 5, lines 30-64).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Cohen to the teachings of Li/Oizumi/Gusmano in order to provide an particular information regarding each and every test tubes, that is, each and every bar code label identify a work order, and therefore an obvious expedient.

Response to Arguments

9. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

In response to the applicant's argument that "*There is no teaching, showing, or suggestion in Shearer of imaging one or more, or plurality, of symbology encoded*

articles simultaneously as claimed." (see page 7, line 11+), the Examiner respectfully provides Li reference wherein Li teaches decoding of a plurality of encoded symbology attached to the package using imaging means.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure;

Longacre et al. [US 6,264,105] and Ishii et al. [US 6,565,004] disclose a scanning apparatus.

Any inquiry concerning this communication or earlier communication from the examiner should be directed to Seung H. Lee whose telephone number is (703) 308-5894. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempt to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (703) 305-3503. The fax-phone number for this group is (703) 308-5841 or (703) 308-7722.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [michael.lee@uspto.gov].


All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35


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U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.


Seung H. Lee
Art Unit 2876
September 10, 2003


MICHAEL G. LEE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800